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Statement submitted by Indian Law Resource Centre and National Congress of American Indians, non-governmental organizations in consultative status with the Economic and Social Council*

The Secretary-General has received the following statement, which is being circulated in accordance with paragraphs 36 and 37 of Economic and Social Council resolution 1996/31.

* The present statement is issued without formal editing.

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Statement

Violence against indigenous women and girls

Ending violence against indigenous women and girls is critical for the successful implementation of the Beijing Declaration and Platform for Action. The pursuit of gender equality and women's empowerment are "the driver for human rights, development, and peace." (E/CN.6/2014/CRP.3). Women's rights, including fundamental rights to life, security of the person, and to be free of violence and discrimination, are essential to the well-being of the woman, her family, community, country, and the world. For American Indian and Alaska Native women in the United States, protection of women's rights, especially those affecting safety, are inextricably connected to the existence and well-being of their tribes and nations.

The Beijing Platform for Action provides an agenda for "women's empowerment," defined as "removing all the obstacles to women's active participation in all spheres of public and private life. ..." The Platform identifies twelve critical areas of concern and calls on governments, the international community, and civil society to take action. Violence against women is one of those critical areas and is explicitly designated in the Platform as "an obstacle to the achievement of ... equality, development and peace."

Violence against women is a pervasive human rights violation across the globe, and the situation is particularly dire for indigenous women and girls. Strong action by the United Nations, member countries, and others is critically needed to end the pandemic of violence being inflicted on indigenous women and girls. A 2013 study prepared by the United Nations Permanent Forum on Indigenous Issues calls attention to this complex, cross-cutting issue that implicates individual human rights, women's and girls' specific human rights and indigenous peoples' collective rights (E/C.19/2013/9). Indigenous women and girls often suffer disproportionately heightened, multiple forms of discrimination, violence, and murder based not just on their gender, but also on the fact that they are indigenous and members of indigenous communities.

The situation for indigenous women and girls in the United States is no exception. One in three American Indian and Alaska Native women will be raped in her lifetime, and three in five will be physically assaulted. On some reservations, the murder rate for Native women is ten times the national average. Violence against American Indian and Alaska Native women and girls has reached epidemic levels on tribal lands and in Alaska Native villages — rates 2½ times higher than any other group of women in the United States. Alaska Native women are subjected to the highest rate of forcible sexual assault in the United States, with one in two Alaska Native women experiencing sexual or physical violence in her lifetime.

These disproportionately high rates of violence against American Indian and Alaska Native women are largely due to an unworkable, discriminatory legal system that severely limits the ability of Indian nations to protect Native women and girls from violence and fails to provide them with meaningful remedies and access to justice. The United States has taken affirmative steps forward to improve its laws by enacting legislation such as the Tribal Law and Order Act of 2010 to enhance tribal court sentencing authority, and the tribal provisions of the Violence Against Women Reauthorization Act of 2013 to restore limited tribal criminal authority over certain

non-Indians that commit domestic violence, dating violence, or violate protection orders.

Nevertheless, significant legal barriers remain. Most Native women must wait for justice until the new tribal provisions become effective in March 2015. Even then, Indian nations must meet stringent requirements to use the new laws and this, coupled with the lack of sufficient funding for implementation, may delay, deter, or even prevent tribes from proceeding. Even where tribes do exercise the new jurisdiction, it is limited; tribes will still be unable to prosecute non-Indians who rape, murder, stalk, or traffic American Indian and Alaska Native women, and can only prosecute domestic violence if the non-Indian defendant has significant ties to the tribal community.

Perhaps the most egregious legal barrier is the one Alaska Native nations and women face. A "special rule" in the Violence Against Women Reauthorization Act of 2013 excludes all but one of Alaska's 229 tribes from the law's increased protections and exacerbates an existing crisis — Alaska Native women and girls experience the highest levels of violence in the United States. Alaska Natives comprise only 15.2 per cent of the population in Alaska, yet they represent nearly 50 per cent of the domestic violence victims and 61 per cent of the sexual assault victims. In some Alaska Native villages, Alaska Native women report rates of domestic violence up to ten times higher than the rest of the country and physical assault victimization rates twelve times higher. By excluding 228 Alaska Native villages, United States law denies Alaska Native women equal protection under the law and treats them differently than other women in the United States, including other indigenous women.

During the 2014 United Nations World Conference on Indigenous Peoples, the General Assembly set forth key decisions in an Outcome Document to implement the United Nations Declaration on the Rights of Indigenous Peoples, including a commitment by states to intensify their "efforts, in cooperation with indigenous people, to prevent and eliminate all forms of violence and discrimination against indigenous peoples and individuals, in particular, women, children, youth, older persons and persons with disabilities, by strengthening legal, policy and institutional frameworks." (A/RES/69/2). Toward that end, states invited "the Commission on the Status of Women to consider the issue of the empowerment of indigenous women at a future session." We respectfully urge the Commission to consider the issue soon, preferably as a main focus during its 60th session, because violence against indigenous women and girls is a worldwide human rights crisis that cannot wait to be addressed. Systemic legal barriers separating and preventing safety and justice for indigenous women and girls must be removed. The time is now.

Challenges to gender equality and empowerment in the Millennium Development Goals and post-2015 development agenda

A critical challenge to the achievement of the Millennium Development Goals is the omission of any goal or indicator on violence against women and girls, particularly indigenous women and girls. Collectively, the goals fall short of the Millennium Declaration's explicit commitment to human rights and "to combat all form of violence against women." Goal 3 promotes gender equality and empowerment of women; yet, the target for measuring achievement — eliminating gender disparity in education — is too restrictive. As recognized in the Beijing

Platform for Action, violence against women must be addressed in order to achieve equality, development, and peace.

The post-2015 development agenda must correct the oversights and shortcomings of the Millennium Development Goals. It must be a human rights-based agenda that recognizes the diversity of women and recognizes rights of women and children, especially indigenous women and children, to be free from violence. The Commission on the Status of Women has recognized that the self-reinforcing cycle of violence and poverty that women face is a serious impediment in reaching the Goals and achieving sustainable development. (E/CN.6/2014/L.7). The human rights framework called for in the Millennium Declaration and other international human rights instruments can best inform how countries fulfil their sustainable development obligations and measure their achievement with respect to women and girls.

In the Outcome Document of the World Conference on Indigenous Peoples, states committed "to giving due consideration to all the rights of indigenous peoples in the elaboration of the post-2015 development agenda." (A/RES/69/2). Article 22 of the United Nations Declaration on the Rights of Indigenous Peoples directs that states pay particular attention to the rights and special needs of indigenous women and children in implementing the Declaration, and explicitly calls upon states, in conjunction with indigenous peoples, "to ensure indigenous women and children enjoy full protection and guarantees against all forms of violence and discrimination." (A/RES/61/295). We support consideration and integration of the human rights of women into all United Nations goals and activities, particularly the right of indigenous women and children to be protected against violence and discrimination.

Without direct and focused actions to end violence against women and girls, sustainable development could prove unattainable for indigenous peoples. The post-2015 development framework should ensure that goals and indicators are inclusive and reflect indigenous peoples' rights, including the human rights of indigenous women and girls to life, security, and to be free of violence and discrimination.